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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,107	10/30/2006	Satoshi Hashimoto	P30026	2090

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EXAMINER
DANG, HUNG Q

ART UNIT	PAPER NUMBER
2484	

NOTIFICATION DATE	DELIVERY MODE
02/17/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
pto@gbpatent.com

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>13 December 2010</u>.

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1 and 8</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1 and 8</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set
forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this
application is eligible for continued examination under 37 CFR 1.114, and the fee set
forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action
has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on
12/13/2010 has been entered.

Response to Arguments

Applicant's arguments filed 12/13/2010 have been fully considered but they are
not persuasive.

On page 8, Applicant argues that Apte fails to disclose or render obvious pre-
storing a native code, let alone that an image selecting native code is pre-stored on the
claimed platform."

In response, Examiner respectfully submits that first of all Jung discloses an
image selecting predetermined code written in form of a Java script (column 7, lines 36-
44). The Java script as disclosed is a code for synchronization of predetermined
multimedia elements and the AV contents. As such, as the code is executed, the
multimedia elements and/or specific AV image are selected to be rendered in a
synchronization manner.

Apte discloses a Java platform in which for a specific Java application, a Java compiler is used to generate corresponding bytecodes, which are later executed by a Java interpreter (column 11, lines 41-53).

Examiner respectfully submits that while the native machine code is not pre-stored, the bytecodes are pre-stored in the platform. As such, the bytecodes disclosed by Apte clearly corresponds to the recited native code because besides being pre-stored, the bytecodes are native code with respect to the JVM (Java Virtual Machine). With that interpretation, the Java interpreter corresponds to the recited processor.

As such, Applicant's arguments are not persuasive in view of new interpretation of Apte is applied..

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jung et al. (US Patent 7,401,100 – hereinafter Jung), Kikuchi et al. (US Patent 5,870,523 – hereinafter Kikuchi), and Apte et al. (US Patent 6,269,373 – hereinafter Apte).

Regarding claim 1, Jung discloses a playback apparatus for playing a video stream recorded on a recording medium *(column 3, lines 32-35)*, the recording medium including a computer program that is to be executed during playback of the video

stream *(column 3, lines 32-35; column 4, lines 62—column 5, line 6; column 7, lines 34-44)*, the video stream including control information in form of VOBU time tables *(column 6, lines 56-63)*, and the computer program including predetermined codes for designating a plurality of images and time information in form of VOBU corresponding to each image *(column 4, lines 49-51; column 5, lines 45-49; column 6, lines 63-65; column 6, lines 56-63)*, the playback apparatus comprising: a storage *("Content Buffer 12" in Fig. 1)*; a player successively plays the video according to the control information *(column 6, lines 56-63)*; an image plane *(column 4, lines 51-55)*; a platform including a processor, the platform interpreting and executing predetermined codes and causing the processor to execute Java and API codes for selecting an image to be rendered and storing a selected image in the image plane *(column 7, lines 34-48; column 3, line 42 – column 4, line 15; column 4, lines 50-55)*, the platform causes the processor to execute the predetermined codes for the designated plurality of images and the time table in form of VOBU corresponding to each image in the storage *(column 4, lines 49-51; column 5, lines 45-49; column 6, lines 63-65; column 6, lines 56-67; column 3, lines 36-38; "Content Buffer 12" in Fig. 1)*; and the platform causes the processor to execute the image selecting predetermined code for selecting the image to be rendered from among the plurality of images stored in the storage based on a specified location in the VOBU time table of the video included in the control information, and time information in form of VOBU corresponding to each image stored in the storage memory and for storing the selected image in the image plane *(column 3, line 42 – column 4, line 15; column 4, lines 49-55; column 6, lines 56-67)*; and a compositor that superimposes the selected

image stored in the image plane on the video during playback of the video *(column 4, lines 51-55)*.

However, Jung does not explicitly disclose the processor that executes native codes, the platform including an image selecting native code, executable by the processor, and the platform interpreting and executing predetermined codes by converting the predetermined codes into the native codes executable by the processor and causing the processor to execute the native codes; the time table in form of VOBU for specifying a location on a time axis relating to playback timing of the video stream, and the time table in form of VOBU comprises rendition time corresponding to each image, wherein the image selecting native code is pre-stored on the platform.

Apte discloses a platform including a processor that executes native codes and the platform interpreting and executing predetermined codes by converting the predetermined codes into the native codes executable by the processor and causing the processor to execute the native codes *(column 6, lines 46-57; column 11, lines 41-53 – wherein the native codes are the bytecodes generated by the compiler and the processor is the Java interpreter)*.

One of ordinary skill in the art at the time he invention was made would have been motivated to incorporate the teachings of Apte into the playback apparatus disclosed by Jung. Converting high-level codes, e.g. Java codes, into native codes is required because it is the native codes that the processor can directly execute. In case the high-level codes are implemented using Java, another advantage is that the

application codes can be developed independently from the running platforms *(Apte, column 11, lines 30-53)*.

However, Jung and Apte do not disclose the time table in form of VOBU for specifying a location on a time axis relating to playback timing of the video stream, and the time table in form of VOBU comprises rendition time corresponding to each image.

Kikuchi discloses the video stream including control information as time table in form of VOBU for specifying a location on a time axis relating to playback timing of video of the video stream *(column 18, line 44 – column 9, line 4)*, and the time table in form of VOBU comprises rendition time corresponding to each VOBU *(column 18, line 44 – column 9, line 4)*.

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the time table in form of VOBU for specifying a location on a time axis relating to playback timing of video of the video stream and comprising rendition time disclosed by Kikuchi into Jung in order to make the playback apparatus capable of playing back video streams and images in accordance with MPEG existing standards.

Claim 8 is rejected for the same reason as discussed in claim 1 above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Q. Dang whose telephone number is (571)270-1116. The examiner can normally be reached on IFT.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hung Q Dang/
Examiner, Art Unit 2484

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2484